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WATTS HOFFMANN FISHER & HEINKE CO LPA
P O BOX 99839
CLEVELAND OH 44199-0839

EXAMINER

CHEVALIER, A

ART UNIT

PAPER NUMBER

1772

DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/344,411

Applicant(s)
Corpus et al.

Examiner
Alicia Chevallier

Group Art Unit
1772



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-39 is/are pending in the application.
- Of the above, claim(s) 19-37 is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-18, 38, and 39 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☒ Claims 1-39 are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group I, claims 1-18, 38, and 39 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the justification is not believed to be sufficient to warrant restriction. This is not found persuasive.

Applicant's claim 9 does not include a removable release liner but a leaf adhesive protector. Also, claim 19 does not recite a limitation of a removable release liner being removed before affixing said stack to said surface to be covered by contacting said leaf adhesive layer on the second surface of said last leaf with said surface to be covered, which is a materially different method for covering a surface. Plus, on page 4, lines 10-12 of the specification applicant admits that there are other materially different methods for covering a surface such as the multi-layer surface covering may be connected to the shelf surface by other means such as thumbtacks.

Applicant's argues that the examiner has not given any indication that there would not be a serious burden to search both inventions.

For purposes of the initial requirement, a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search as defined in MPEP § 808.02.

(A) Separate classification thereof : This shows that each distinct subject has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) A separate status in the art when they are classifiable together : Even though they are classified together, each subject can be shown to have formed a

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separate subject for inventive effort when an explanation indicates a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) A different field of search : Where it is necessary to search for one of the distinct subjects in places where no pertinent art to the other subject exists, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search. Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among related inventions.

Examiner has shown that shown that the inventions have separate classification by providing the possible issuing class and subclass for the different inventions. Separate status in the art has been shown by the inventions different classification and that their is divergent subject matter because the search required for Group I is not required for Group II. I.e. the article does not need to be searched in the method class and the method does need not be searched in the article class. Different field of Search has been shown by the fact that the invention directed to the method is classified in class 156 and the invention directed to the article is classified in class 428. For a totally complete field of search multiple subclasses in each class would have to be searched, not just the possible issue subclass, which creates a serious burden to the examiner.

For these reasons the restriction requirement is still deemed proper and is therefore made FINAL.

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Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the first surface of said leaves comprising adhesives in claim 4 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the elongated component of claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 6, 8, 9, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is unclear which renders the claim vague and indefinite. It is unclear from the claim language and the drawings if applicant is claiming that both the first and second surface of the leaves have adhesives on them or if the adhesive is now only on the first surface.

The term "active agent" in claim 8 is unclear and renders the claim vague and indefinite. It is unclear from the claim language what is encompassed by the term active agent.

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The term "leaf adhesive protector" in claim 9 is unclear and renders the claim vague and indefinite. Is the "leaf adhesive protector" a chemical composition, a sheet next to the leaf to protect the leaf from adhesive, or a release layer to protect the adhesive before use.

The term "elongated component" in claim 16 is unclear and renders the claim vague and indefinite. Neither the drawings or the specification explain what this elongated member is or how it works.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 6-12, 14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Cleef (2,248,317). Cleef teaches a sticker packet comprising a plurality or set of superposed stickers. The stickers are adapted when stripped apart or separated from one another to be stuck to any selected surface of object and, depending upon their shape, serve as articles of utility or ornamentation. The stickers are thin and flexible and are secured together in packet form by means of facings of permanently tacky pressure-sensitive adhesive (col. 2, lines 2-10). The stickers are made of base material of paper or like material. The base is impregnated with rubber latex and embodies on the outer face thereof a vulcanized rubber layer. The vulcanized rubber

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layer is provided with a thin coating of shellac, varnish, lacquer, or ethyl cellulose in order to prevent the permanently tacky pressure-sensitive adhesive from sticking too tightly (col. 2, lines 19-32). A holland strip is added to the lower most sticker (col. 2, lines 46-51). As shown in figure 1, the stickers are provided with integral outwardly projecting tabs (col. 3, lines 4-6).

7. Claims 1-3, 6, 7, 10, 12, 13, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Bowskill (4,795,669).

Bowskill discloses a disposable protective shield for a handle or illumination device comprising a stack of shields, each shield comprises a relatively-thin flexible sheet made from any suitable material such as a plastic type of "crepe paper". The sheet further has a top surface pr side and an underside and a band of adhesive on the underside of each sheet around the perimeter thereof. (Col. 4, lines 18-32) The shield may also be provided with a flap (tab). The bottom of the flap may be coated entirely with a suitable adhesive. (Col. 4, lines 57-68)

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 4, 6-12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amos (3,785,102) in view of Amos (3,717,897).

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Amos '102 discloses a tacky floor pad comprising a plurality of sheets (leaves), suitably five to fifty, each being coated with a layer of acrylic latex adhesive (first surface with active agent) (col. 4, lines 9-12). Each sheet is of polyethylene or polypropylene and is coated with a layer of the acrylic adhesive over the entire upper surface of each sheet, except for the corner area or portion is free of adhesive so that the sheet can be easily grasped and stripped off after use (col. 4, lines 43-47).

Amos '102, also, discloses that the pressure-sensitive adhesive has a low modulus of elasticity, a high internal viscosity and high surface free energy, so that it firmly and aggressively gabs dirt from shoes and wheels passing over it, yet each sheet can be readily peeled off (abstract).

Amos '102 invention relates to a throw-away pad of tacky or sticky surfaces sheets for removing dust and dirt from shoe soles, wheels and the like passing there over to assist in maintaining a clean area such as a hospital room or surgery in the desired clean condition (col. 1, lines 4-8).

Amos '102, however, fails to teach that the tacky floor pad has adhesive on both sides of the sheet.

Amos '897 discloses a tacky floor pad comprising a base (leaf), made of vinyl plastic (polyvinyl chloride), polyethylene, or of kraft paper, a lower adhesive secured to the lower surface (second surface) of the base and is used for attaching the pad to the floor, and an upper

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adhesive (first adhesive) is secured to the upper surface of the base and is used for removing dirt and other foreign matter from shoes and wheels (col. 5, lines 13-24).

Amos '897, also, discloses the adhesive present a fairly high temporary tack for grabbing dirt aggressively and firmly, yet releasing it readily when washed (abstract). The second adhesive strips easily from the floor without delamination when ready for replacement (col. 2, lines 6-9). The adhesives have low Young's modulus of elasticity and surface free energy and internal viscosity, which must have values appropriate to the desired function (col. 2, lines 32-38).

Amos '897 invention relates to a hospital or scientific clean room and to a disposable, washable, tacky floor pad for cleaning shoes and wheels or just outside the entrance to a clean room.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add adhesive to both sides of the sheet as taught by Amos '897 to the sheets of Amos '102 because it would allow each individual sheet to be attached to the floor and used independently of the stack.

Also, it would have been obvious to one of ordinary skill in the art at the time of the invention to add a release sheet (leaf adhesive protector) to the last sheet to protect the adhesive before use because it is very well known in the art to add a release sheet to an adhesive to protect it before use.

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10. Claims 1, 2, 4-10, 12, 13, 15, 17, 18, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nappi (3,665,543) in view of Amos (3,717,897).

Nappi '543 discloses an improved tacky mat stack comprising a plurality of superimposed tacky mat sheets (leaves) each having a composite laminar construction consisting of a thin flexible support film forming an adhesive barrier surface on the bottom of the sheet, a reinforcing fibrous web coextensive with the support film and firmly secured thereto and a pressure-sensitive adhesive coating carried by the film, the adhesive coating being secure engagement with the reinforcing fibrous web and forming a tread surface of the sheet (first surface with adhesive/active agent and texture). A corner pull tab extending to the edge of each sheet provides non-adhering engagement between super-imposed sheets and means for securely gripping the uppermost sheet for stripping it from the stack. (Abstract)

Nappi '543, also, discloses that the adhesive (mounting adhesive not leaf adhesive) on the last sheet possesses a greater bonding or adhering power than the adhesive on the top or tread surface of the sheet in order to assure firm attachment of the stack to the frame when the superimposed sheets are peeled from the stack (col. 3, lines 16-20).

Plus, Nappi '543 discloses a tacky mat assembly as being comprised of a generally rectangular mat stack of flat superimposed adhesive sheet material securely mounted with in an appropriate frame member (leaf adhesive protector) (col. 2, lines 50-62).

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Nappi '543 invention relates generally to a tacky mat stack adapted to remove accumulated dirt particles from the underside of shoes or other traffic during passage thereof across the mate.

Nappi '543, however, fails to teach that the tacky floor pad has adhesive on both sides of the sheet.

Amos '897 discloses a tacky floor pad comprising a base (leaf), made of vinyl plastic (polyvinyl chloride), polyethylene, or of kraft paper, a lower adhesive secured to the lower surface (second surface) of the base and is used for attaching the pad to the floor, and an upper adhesive (first adhesive) is secured to the upper surface of the base and is used for removing dirt and other foreign matter from shoes and wheels (col. 5, lines 13-24).

Amos '897, also, discloses the adhesive present a fairly high temporary tack for grabbing dirt aggressively and firmly, yet releasing it readily when washed (abstract). The second adhesive strips easily from the floor without delamination when ready for replacement (col. 2, lines 6-9). The adhesives have low Young's modulus of elasticity and surface free energy and internal viscosity, which must have values appropriate to the desired function (col. 2, lines 32-38).

Amos '897 invention relates to a hospital or scientific clean room and to a disposable, washable, tacky floor pad for cleaning shoes and wheels or just outside the entrance to a clean room.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add adhesive to both sides of the sheet as taught by Amos '897 to the sheets of Nappi '543 because it would allow each individual sheet to be attached to the floor and used independently of the stack.

11. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Amos (3,785,102) in view of Amos (3,717,897) as applied to claims 1, 2, 4, 6-10, 12, and 17 above, and further in view of Nappi (3,501,797).

The combination of Amos '102 and Amos '897 discloses generally all that is claimed except that the peeling means comprises an elongated component disposed between adjacent leaves.

Nappi '797 discloses a tacky mat with improved sheet separating means consisting of a plurality of pressure sensitive adhesive coated sheets with a strand that runs under each sheet the full width thereof and projects from one edge of the stack. Any suitable gripping means can be provided at the end of the strand such as a loop (col. 2, 25-43). Whenever it is desired to change the top sheet in the stack the maintenance personal or other operator grips the loop or other gripping means at the end of strand and pulls the strand out from the edge of the top sheet. By pulling the strand outward from the edge the strand has a sweeping motion from its anchored portion between the adhered sheets to the free portion which has passed out from beneath the adhered sheets. By virtue of the sweeping motion the adhesive bond between the sheets adjacent

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the strand is broken and by the time the loop had been pulled completely free the strand the entire edge of the top sheet has been released. (Col. 2, line 68 through col. 3, line 10).

Nappi '797's invention is directed to the matter of peeling adhesively bonded sheets is rendered relatively simple and at the same time assurance is provided that only a single sheet at a time will be released for peeling thereby preventing the costly practice of disposing of two or more adhered sheets when only the top soiled sheet is intended to be discarded (col. 1, lines 52-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the strand of Nappi '797 to the combined structure of Amos '102 and Amos '897 because it would insure that only a single sheet at a time will be released when peeling one off.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nappi (3,400,421) and Nappi (3,083,393) both disclose similar tacky mat stacks. Blok (5,827,591), Mertens (4,895,746), Miles (4,907,825), Blackwell (5,607,737), and Blackwell (5,401,547) all disclose similar inventions.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (703) 305-1139. The Examiner can normally be reached on Monday through Thursday from 8:00 a.m. to 5:00 p.m. The Examiner can also be reached on alternate Fridays

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If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Ellis P. Robinson can be reached by dialing (703) 308-2364. The fax phone number for the organization official non-final papers is (703) 305-5436. The fax number for after final papers is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose phone number is (703) 308-0661.

ac



August 28, 2000


Ellis Robinson
Supervisory Patent Examiner
Technology Center 1700